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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

9 IN RE:

10 ADAM M. TAPIA  
11 XXX-XX-7785

Debtor

CASE NO. 23-10108-B-13K

DC NO.: MHM-1

CHAPTER 13 TRUSTEE'S MOTION TO  
DISMISS PURSUANT TO 11 U.S.C.  
§1307

DATE: April 05, 2023

TIME: 9:00 am

PLACE: U.S. Courthouse  
510 19th Street, 2nd Floor  
Bakersfield, CA 93301

JUDGE: Hon. Rene Lastreto II

18 **TO THE DEBTOR AND DEBTOR'S ATTORNEY:**

19 **YOU AND EACH OF YOU** are hereby notified that Michael H. Meyer, Chapter 13 Standing  
20 Trustee, will move to dismiss the above-referenced case pursuant to §1307 of the Bankruptcy Code  
21 at the time and place set forth above for the following reason(s):

22 **I.**

23 **BASIS FOR DISMISSAL**

- 24 1. Unreasonable delay by the debtor that is prejudicial to creditors. [11 U.S.C. §1307(c)(1)]  
25 2. Debtor failed to appear and testify at the initial 341 Meeting of Creditors on March 07, 2023.  
26 [11 U.S.C §341] and/or F.R.B.P 4002  
27 3. Debtor failed to provide the following required document(s) to the Trustee (if  
28 applicable):

1 a. Copies of all payment advices or other evidence of payment received within 60 days  
2 before the date of filing of the petition. [11 U.S.C. §521(a)(1)(B)(iv); LBR 1007-1(c)(1); 11 U.S.C.  
3 §521(i)(1) failure to file this document is an automatic dismissal on the 46th day]. **The last day is**  
4 **March 10, 2023.** The local rules have changed where debtors deposit the paystubs [Local Rule  
5 1007-1(c)(1)] thereby eliminating the clerks' ability to automatically dismiss the case when the  
6 paystubs are not filed by the 45th day.

7 b. All pages of the most recent Federal Tax Return filed by the debtor. [11 U.S.C. 521(e)  
8 (2)(A)(B)] Tax returns shall be provided 7 days prior to the 341 Meeting of Creditors or the court  
9 shall dismiss if not provided.

10 c. Copy of original valid picture ID, such as driver's license.

11 d. Proof of Debtor's complete social security number, by way of social security card or W-2  
12 Form.

13 e. Completed statement by Debtor not represented by an Attorney.

14 f. Class 1 Checklist, with the most recent mortgage statement. LBR 3015-1(b)(6)

15 g. Evidence of payment to Class 1 claims. See Order Re: Chapter 13 Plan Payments,  
16 Adequate Protection Payments, and Employer Payment Advices issued on the date the petition was  
17 filed.

18 h. Domestic Support Obligation Checklist. LBR 3015-1(b)(6)

19 i. Authorization to Release information. LBR 3015-1(b)(6)

20 j. Documents required by Form 122C-2 (if applicable):

21 Item 28 on 122C-2 - Home Energy Costs

22 Item 29 on 122C-2 - Education Expenses for Dependent Children Under 18

23 Item 43 on 122C-2 - Deduction Special Circumstances

24 k. Declaration of third party who contributes to the debtor's monthly income, if  
25 applicable.

26 4. As of the date of this motion, Debtor has filed inaccurate and/or incomplete schedules; and  
27 thus, Trustee has not been able to determine liquidaiton in this case.  
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1       **WHEREFORE**, the Trustee requests that the court dismiss this case.

2       DATED: 3/08/2023

Respectfully submitted,

3       /s/Michael H. Meyer

Michael H. Meyer, Chapter 13 Trustee

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